

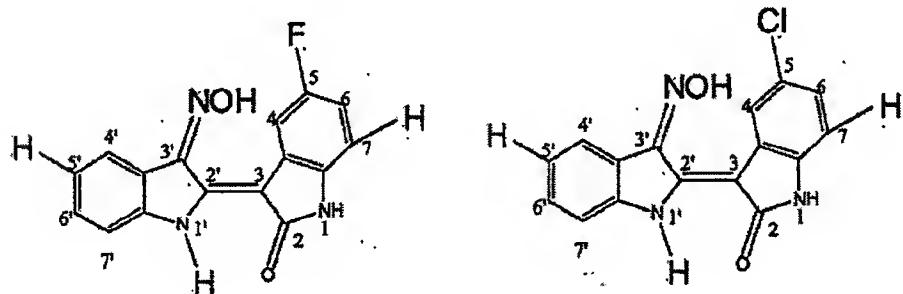
REMARKS

Claims 4-18 are pending in this application. Claims 4-8 are amended in a manner suggested by the Office Action, as explained below.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 5, 6, and 11-14 stand rejected under 35 U.S.C. § 103(c) as being rendered obvious by *Meijer et al.* (US 2007/0276025). Applicants respectfully request reconsideration.

Claims 5 and 6 recite the following compounds, respectively:



In the compound of claim 5, the 5-position is fluorinated, while the 7-position is unsubstituted. In the compound of claim 6, the 5-position is chlorinated, while the 7-position is unsubstituted.

In the specification, the compound of claim 5 is referred to as AGM0012 and the compound of claim 6 is referred to as AGM0014. As explained in Example 1 of the specification, these compounds were tested in live cultures of 5 different human cancer cell lines. Table 2 shows the results of this testing and verifies that compounds AGM0012 and AGM0014 have an inhibitory effect on cancer cell proliferation.

None of the compounds disclosed by *Meijer* have a fluorine or chlorine at the 5-position with the 7-position being unsubstituted. However, the Office Action points out that *Meijer* discloses compounds that are halogenated at the 6-position (rather than at the 5-position, as in the compounds of claims 5 and 6). As such, the Office Action contends that on the basis of *Meijer*'s teaching of a 6-chloro or 6-fluoro substitution, it would have been obvious to make a 5-chloro or 5-fluoro substituted compound, which would be expected to have activity similar to the known compounds.

Applicants respectfully disagree. Merely substituting the 5-position with a chlorine or fluorine atom, as the Office Action suggests, does not necessarily produce a biologically effective compound. This assertion is supported by Applicants' experimental data described in the specification. For example, as shown in Table 1 of the specification, compound AGM0017 has a chlorine at the X1 position. Like the compound of claim 6, in compound AGM0017, substitution group Y is a nitroxyl (–NOH) and substitution groups Z and R are hydrogen. However, compound AGM0017 differs from the compound of claim 6 by having a methyl substitution at the 7-position (substitution group X2). As shown in Table 2 of the specification, due to this minor difference, AGM0017 does not have an inhibitory effect on cancer cell proliferation.

Thus, merely substituting the 5-position with a chlorine or fluorine atom does not necessarily yield successful results, and moreover, it is unreasonable to expect that a person of ordinary skill in the art would be able to predict the biological effectiveness of the modified compounds suggested by the Office Action.

For at least these reasons, Applicants respectfully submit that claims 5 and 6, and the claims that depend therefrom, are non-obvious over *Meijer*. Accordingly, withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 4-18 stand rejected as being non-compliant with the definiteness requirement of 35 U.S.C. § 112, second paragraph. Without conceding to the propriety of the rejection and in order to expedite prosecution of this application, claims 4-8 are amended to delete the functional limitations, as suggested by the Office Action. For at least these reasons, Applicants respectfully submit that claims 4-18 are in compliance with the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection be withdrawn.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of this application.

In the event that the filing of this response is deemed not timely, Applicants petition for an extension of time. The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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